

## Remarks

After amendment, claims 3-9 and 12-13 are pending in the present application, claims 1-2 and 10-11 having been cancelled. Claims 1-2 and 10-11 are cancelled *without prejudice* pursuant to the Examiner's restriction requirement and Applicants' election. Much of the subject matter of original claims 1-2 have been incorporated into new claims 12-13. The remaining subject matter is cancelled *without prejudice*. Applicants note the Examiner's amendment/clarification to the restriction requirement. Applicants have amended the claims of the instant application with the intention of filing a divisional application directed to the presently cancelled subject matter.

Claims 12-13 are newly added. Support for the amended claims may be found throughout the originally filed specification and claims and in particular in the originally filed claims 1-2. No new matter has been added by way of this amendment.

The Examiner has rejected or objected to the originally filed claims under 35 U.S.C. §112, first and second paragraphs for the reasons which are set forth in the office action at pages 3-5. For the reasons which are presented in the sections which follow, it is respectfully submitted that the instant application is now in condition for allowance and such action is earnestly solicited.

### **The §112, First Paragraph Rejection**

The Examiner rejected the originally presented claims as being non-enabled for the reasons which are set forth in the office action. That original rejection was based upon the inclusion within the breadth of the claims, the corresponding pharmaceutically acceptable salts, solvates and polymorphs of the compounds claimed.

In order to expedite allowance of the instant application, Applicants have cancelled reference to pharmaceutically acceptable salts, solvents and polymorphs from the claims. Applicants make this amendment *without prejudice* to expedite the allowance of the present application and give them a chance to determine the advisability of filing a divisional application directed to the cancelled subject matter.

### **The §112, Second Paragraph Rejection**

The Examiner has rejected claims 1-2 and 4-9 under 35 U.S.C. §112, second paragraph as being incomplete for omitting essential structural cooperative relationships of the elements, such omission amount to a gap between the necessary connections. Applicants have amended the claims to remove any limitations which have made the claims indefinite. Each of the substituents on the compounds which are claimed is sufficiently definite in its presentation. The bonds are configured below the plane of the surface, above the plane of the surface or above/below the plane of the surface (configuration not specified at chiral carbon). Each of the compounds is clearly presented and one of ordinary skill understands the compounds which are claimed and the configuration which exists about each of the chiral centers. As amended, the claims are clearly definite in presentation. Applicants respectfully submit that there is no need to provide R or S demarcations about a given bond, because the configuration about a given chiral center is clearly presented and those of ordinary skill understand the specific stereochemistry about the varied chiral centers. Applicants respectfully submit that the claims as amended are in full compliance with the requirements of 35 U.S.C. §112, second paragraph.

For the above reasons, Applicants respectfully assert that the claims set forth in the present amendment are now in compliance with 35 U.S.C. Applicants respectfully submit that the present application is now in condition for allowance and such action is earnestly solicited.

Applicant has cancelled 2 claims (one independent) and added two claims (one

independent). No fee is therefore due for the presentation of this amendment. A petition for a two month extension of time is enclosed. A check for the appropriate fee is enclosed. Small entity status is claimed for the present application.

Please credit any overpayment or charge any additional fee due to Deposit Account No. 04-0838.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 3, 2006.

  
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